

**Advisory Action  
Before the Filing of an Appeal Brief**

<b>Application No.</b> 10/092,354	<b>Applicant(s)</b> KIM ET AL.
<b>Examiner</b> Roderick Tolentino	<b>Art Unit</b> 2134

***--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --***

THE REPLY FILED 10 June 2008 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires \_\_\_\_\_ months from the mailing date of the final rejection.  
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.  
Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**NOTICE OF APPEAL**

2. ☐ The Notice of Appeal was filed on \_\_\_\_\_. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

**AMENDMENTS**

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because  
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);  
(b) ☐ They raise the issue of new matter (see NOTE below);  
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).  
5. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.  
6. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).  
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.  
The status of the claim(s) is (or will be) as follows:  
Claim(s) allowed: \_\_\_\_\_.  
Claim(s) objected to: \_\_\_\_\_.  
Claim(s) rejected: \_\_\_\_\_.  
Claim(s) withdrawn from consideration: \_\_\_\_\_.

**AFFIDAVIT OR OTHER EVIDENCE**

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).  
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).  
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

**REQUEST FOR RECONSIDERATION/OTHER**

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:  
See Continuation Sheet.  
12. ☒ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). 6/10/2008  
13. ☐ Other: \_\_\_\_\_.

/Kambiz Zand/  
Supervisory Patent Examiner, Art Unit 2134

Continuation of 11. does NOT place the application in condition for allowance because: Applicant's arguments with regards to claims 1, 8 and 15, 6 and 13 have been deemed not persuasive. With regards to claims 1, 8 and 15, applicant argues that Katz in view of Kanota fails to teach at least one original content; a remake content made based on the at least one original content; and copyright information corresponding to the remake content, wherein the copyright information includes original copyright information which, when processed by a processor, is used to identify at least a copyright owner of the original content, and remake copyright information which, when processed by the processor, is used to identify at least a maker of the remake content representing a user that is different from the copyright owner of the original content. Examiner respectfully disagrees. Katz in view of Kanota teaches at least one original content a remake content made based on at least one original content (Katz, Col. 6 Lines 47 - 50, selected preview clips) and copyright information corresponding to the remake content, wherein the copyright information includes original copyright information which, when processed by a processor, is used to identify at least a copyright owner of the original content and remake copyright information which (Katz, Col. 7 Lines 10 - 16), but fails to teach when processed by the processor, causes the processor to identify at least a maker of the remake content representing a user that is different from the copyright owner of original content. However, in an analogous art Kanota et al. teaches when processed by the processor, causes the processor to identify at least a maker of the remake content representing a user that is different from the copyright owner of original content (Kanota, Col. 2 Lines 28 -45). Applicants arguments are directed towards remake copyright information which, when processed by the processor, is used to identify at least a maker of the remake content representing a user that is different from the copyright owner of the original content. Katz discloses copyright information which has information identifying the owner which equates to "used to identify at least a copyright owner of the original content and remake copyright information which" and the superimposing of copyright data taught by Kanota, can be seen by one of ordinary skill in the art to include all copyright information taught by Katz including the owner data, in this case the party superimposing the new copyright information to the data. Which equates to "processed by the processor, causes the processor to identify at least a maker of the remake content representing a user that is different from the copyright owner of original content," and thus would be obvious to combine the two references. Applicant further argues the claims 6 and 13, and how Katz in view of Kanota fail to teach the limitations of the claims specifically wherein the remake content is recorded in at least one audio packet containin,q audio data, and the original copyright information and the remake copyright information are recorded in a private header containin,q header information on the remake content. Examiner respectfully disagrees. Katz teaches the recording of the remake content, the remake content is recorded as at least one audio packet containing the remake content, and during the recording of original copyright information to identify at least a copyright owner of the original content and remake copyright information to identify at least a maker of the remake content, original copyright information and remake copyright information are recorded in a private header for at least one audio packet in which the remake content is recorded (Katz, Col. 6 Line 55 - 61, Col. 9 Lines 1 - 6). Katz shows the use of audio data being used and one of ordinary skill in the art would know that data sent over a network will use packets to transport data. Further, the Katz teaches a template header which holds pertinent information for a file including copyright information. Similar to the argument above Katz discloses copyright information which has information identifying the owner, one of ordinary skill in the art would see that if a template has copyright information it will include all pertinent information such as copyright.